

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

2006 APR 19 PM 3:03

GERALD H. SELLERS,

Plaintiff,

Case No. 3:04-cv-368

-vs-

District Judge Walter Herbert Rice
Chief Magistrate Judge Michael R. Merz

AUTOZONE,

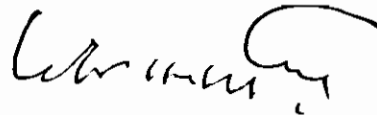
Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #21), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on April 7, 2006, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that this action be dismissed without prejudice for want of prosecution.

April 18, 2006.



Walter Herbert Rice
United States District Judge